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OFFICE OF PETITIONS

**MYERS BIGEL SIBLEY & SAJOVEC
P.O. BOX 37428
RALEIGH, NC 27627**

In re Application of :
Chang-hyun Park et al :DECISION GRANTING FILING
Application No. 10/780,245 :DATE OF February 17, 2004
Filed: February 17, 2004 :
Attorney Docket No. 5649-1200 :

This is a decision on the petition filed May 20, 2004, requesting that the above-identified application be accorded a filing date of February 17, 2004, rather than the filing date of February 18, 2004.


Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on February 17, 2004 pursuant to 37 CFR 1.10. In support, petitioner has submitted a copy of Express Mail label No. EV 381447412 US showing a stamped date of February 17, 2004. The same Express Mail receipt number appears on the original "Utility Patent Application Transmittal." Additionally, the other available evidence, the Internet USPS Express Mail Tracking and Delivery Confirmation, discloses that the package was deposited on February 17, 2004.

In view of the evidence in the file, it is concluded that the application was deposited in Express Mail service on February 17, 2004. Accordingly, the instant application is entitled to a filing date of February 17, 2004 and has been so accorded. A filing receipt with the corrected filing date was mailed on July 16, 2004.

The petition is granted.

Telephone inquiries specific to this decision on petition should be directed to Karen Creasy at (703) 305-8859.

The application is being referred to Technology Center Art Unit 2812.


Brian Hearn
Senior Petitions Examiner
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for Patent Examination Policy